## REMARKS

### STATUS OF THE CLAIMS

Claims 1-26 are pending in the application.

Claims 5, 9, 15, and 18-22 are allowed.

Claims 1-4, 6-8, 10-14, 16, 17, and 23-26 are rejected.

Claim 4 is objected to due to informalities.

Claims 1, 2, 4, 6, 7, 10, 12, 16, 17, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limb in view of Tateyama (U.S. 006018816A), which is newly cited.

Claims 3, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limb in view of Tateyama and further in view of Perlman (US 5,398,242).

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limb in view of Tateyama and further in view of Ching (US 4,665,514).

No new matter has been added.

### CLAIM OBJECTION

Objected to dependent claim 4 is amended to address the Examiner's objection. In particular, claim 4 is amended to change "data" to --header-- in accordance with the examiner's suggestion. This amendment clarifies the subject matter of the present invention and does not add new issue. In particular, the claim amendment clarifies that a header portion of a packet can store identification information of the present invention, ("wherein the ***~~data~~header portion stores identification information indicating whether the data portion is blank***"). Withdrawal of the objection to dependent claim 4 is respectfully requested.

### REJECTIONS

Independent claims 1, 10, 12, 16, 23, and 24 have been rejected under 35 USC 103(a) as being unpatentable over Limb (US 5,111,456) in view of Tateyama (US006018816A).

Independent claim 13 has been rejected under 35 USC 103(a) as being unpatentable over Limb in view of Tateyama and further in view of Perlman (US 5,398,242).

Applicants disagree, as follows:

The examiner acknowledges that Limb does not explicitly discloses the nodes within an IEEE 1394 topology. This is true. Limb teaches a method and system for data transfer in a network including two communication paths 10, 11 for connecting nodes S1, S2, ...SN. Note that the communication paths 10, 11 are unidirectional and oppositely directed with respect to each other (see claim 1 of Limb). Therefore, it is readily apparent that the method and system of Limb are not applicable to an IEEE 1394 network, such as a branched network shown in Fig. 1 of the present Application. Therefore, there is no motivation to combine the method and system of Limb, which are not applicable to an IEEE 1394 network, with nodes constituting an IEEE 1394 topology as shown in Tateyama to arrive at the present invention. The Applicants submit that the rejection is based upon hindsight and is improper.

In addition, Tateyama teaches of receiving a dummy packet not having a data portion (i.e., repeatedly transmitting data - column 2, lines 49-59, and Abstract, claims 1, 10, 16, and 23 as relied upon in the Office Action, page 4). It is impossible to write data in a data packet not having a data portion. Accordingly, the teaching of Tateyama is against the teachings of Limb. There is no motivation to combine Limb with Tateyama to arrive at the claimed present invention.

The rejected independent claims 1, 10, 12, 13, 16, 23, and 24 expressly recite, "***plurality of nodes constituting an IEEE 1394 topology***" (claims 1, 10, 12, 13, 16, 23 and 24) and "***plurality of nodes connected in a star form ... constituting an IEEE 1394 topology***" (claims 23 and 24), which is not disclosed or suggested by Limb's unidirectional and oppositely directed, with respect to each other, two communication paths 10, 11 shown in FIG. 1, and is not disclosed or suggest by Tateyama's IEEE 1394 network. The Office Action in page 4 provides, "It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the method and system of Limb using nodes constituting an IEEE 1394 topology, as shown by Tateyama, as the IEEE 1394 is a standard bus topology/type widely used in the art, enabling standardized communication and performance between the nodes of Limb." However, contrary to the Office Action rationale, because Limb's method of communicating data on its two unidirectional and oppositely directed communication paths is not applicable to an IEEE 1394 network, one skilled in the art would not be easily motivated to combine Limb with an IEEE 1394 network. Further, as discussed above, even if one combined Tateyama and Limb, Tateyama discusses an IEEE 1394 network in which dummy packets not having a data portion are transmitted and received to handle an abnormality (i.e., repeatedly transmitting data - column 2, lines 41-48, column 2, lines 49-59, and Abstract, claims 1, 10, 16, and 23 as relied upon in the Office Action, page 4), which teaches away from Limb and the claimed present invention.

Accordingly, there is no motivation or suggestion in either the relied upon references themselves, or in the knowledge generally available to one of ordinary skill in the art, to combine Limb and Tateyama to achieve the claimed present invention, and the claimed present invention is nonobvious and allowable over Limb and Tateyama. The rejection is based upon hindsight and is improper.

The Office Action in the Response to Arguments, page 11, item 9, alleges that a preamble is generally not accorded patentable weight, and has not given patentable weight to the recitation, for example, "connected in a star form" in the preamble of independent claims 23 and 24. Presumably, the Office Action is also not giving patentable weight to the preambles of all of the rejected independent claims 1, 10, 12, 13, 16, 23, and 24 that expressly recite, "***plurality of nodes constituting an IEEE 1394 topology***." However, the preambles expressly recite, for example:

> 1. (PREVIOUSLY PRESENTED) A method of transferring packets between a ***plurality of nodes including a first node, a second node, and a third node*** connected by a bus but not connected in a ring form, the plurality of ***nodes constituting an IEEE 1394 topology***, the method comprising: ... (e.g., independent claim 1), and
>
> 23. (PREVIOUSLY PRESENTED) A method of transferring packets between a ***plurality of nodes connected in a star form***, the plurality of ***nodes including a first node, a second node, and a third node***, the plurality of ***nodes constituting an IEEE 1394 topology***, the method comprising: ... (e.g., independent claims 23 and 24)

And the body of the claims clearly depends on the preamble by reciting, for example, "***transferring*** a write packet ***from the first node to the second node***," (e.g., independent claims 1 and 23), where the nodes recited in the body of the claims are nodes of the "***plurality of nodes constituting an IEEE 1394 topology***" (e.g., independent claims 1, 10, 12, 13, 16, 23, and 24) and nodes of the "***plurality of nodes connected in a start form***" (e.g., independent claims 23 and 24). Therefore, the preamble expressions "***plurality of nodes constituting an IEEE 1394 topology***" and "***a plurality of nodes connected in a star form***" can be given patentable weight, because a "node" recited in the body of the claims is one of the nodes in a "***plurality of nodes constituting an IEEE 1394 topology***" and one of the nodes in "***a plurality of nodes connected in a star form***."

In view of the remarks, withdrawal of the rejections of pending claims and allowance of rejected pending claims is respectfully requested.

## CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: September 30, 2005

By: _____
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501